

the duties of said assistants; providing that said assistants shall take the Constitutional Oath of office and represent the State in all courts of the county in which said Criminal District Attorney is authorized to represent the State under the direction of said Criminal District Attorney, and to be subject to removal at the will of said Criminal District Attorney; and providing that said assistants shall be authorized to administer oaths, file complaints, and generally perform any duty devolving upon said Criminal District Attorney; and providing further that said Criminal District Attorney shall be paid the same fees for services rendered by his assistants as if he had rendered the services himself; providing further that this Act shall in no wise affect, alter, amend, or repeal the provisions of House Bill No. 157 of the Regular Session of the Forty-fifth Legislature, 1937, but that the provisions of said House Bill No. 157 shall remain in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 300, A bill to be entitled "An Act to amend Chapter 74 of the General Laws enacted by the Second Called Session of the 41st Legislature authorizing the commissioners' court of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been or may hereafter be issued and authorizing the said commissioners' courts to issue refunding bonds for the purpose of refunding any outstanding matured interest on any such road bonds, that are issued by authority of statutes enacted pursuant to section 52 of Article 3 of the Constitution of Texas, for and on behalf of political subdivisions, defined districts and consolidated districts in such counties, and au-

thorizing the commissioners' court to pass all appropriate orders to carry out such refunding without the necessity of any notice or right to a referendum vote; and to levy ad valorem taxes in payment thereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 234, 233, 502, 491, 232, and 361 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### SEVENTY-FIRST DAY— CONTINUED.

(Thursday, May 6, 1937)

The Senate met at 10 o'clock a. m. and was called to order by President Woodul.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on House Bills Nos. 561, 1049, 1100 and on H. C. R. No. 119, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### House Bill No. 24 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 24 (the soil conservation bill) on its passage to third reading; with amendment by Senator Davis striking out all after the enacting clause and inserting the text of a complete bill and the following amendment by Senator Redditt to the amendment pending:

Amend the amendment to H. B. No. 24, Section 13, page 16, by striking out lines 58 and 60 as follows: "At the end of ten (10) years, any unused portion of said funds shall

be set over and paid into the General Revenue Fund. The period of such diversion shall be ten (10) years," and substituting in lieu thereof the following:

"The period of diversion herein shall be three (3) years from date hereof but same may be extended for an additional period of seven (7) years, making a total of ten (10) years from the effective date of this Act. At the end of said ten (10) years, any unused portion of said funds shall be set over and paid into the General Revenue Fund of this State."

Question—Shall the amendment to the amendment be adopted?

**Senate Bill No. 504 on Second Reading.**

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 504, A bill to be entitled "An Act creating a Board for the lease of the land composing the permanent encampment for the Thirty-sixth Division, Texas National Guard, known as Camp Hulen, situated at or near Palacios in Matagorda County, Texas, and providing for the lease or sale of oil and gas and sulphur and other minerals therein and defining the duties and powers of said Board; prescribing the mode and manner of leasing and selling oil, gas and sulphur in said lands, and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing this Act; and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Oneal offered the following amendment to the bill:

Amend S. B. No. 504 by adding thereto a Section to be known as Section 5a, reading as follows:

"The operations for drilling for oil and gas and the production therefrom under any lease made by the Board under the authority given in this Act shall be subject to all laws of the State of Texas and valid orders

made by the Railroad Commission of Texas under such laws regulating and controlling the development of leases for the production of oil and gas, and the production of oil and gas therefrom. The Board shall incorporate this provision in each and every lease executed under the authority of this Act."

The amendment was adopted.

S. B. No. 504 was passed to engrossment.

**Senate Bill No. 504 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small	Weinert
Spears	Westerfeld
Stone	Winfield
Sulak	Woodruff
Van Zandt	

#### Message From the House.

A Clerk from the House was announced by the Doorkeeper, and was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the Senate that the House has concurred in Senate amendments to H. B. No. 1034 by a vote of 113 yeas, 0 nays.

The House has passed the following bill:

S. B. No. 164, A bill to be entitled "An Act to amend Articles 5483 and 5486, Chapter 5, Title 90, of Revised Civil Statutes of 1925, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 67.

Senator Burns moved that H. B. No. 67 (regulating transportation of property on public highways), heretofore vetoed by the Governor and passed by the House of Representatives notwithstanding the Governor's veto, now be passed by the Senate notwithstanding the objections of the Governor to the bill.

Pending consideration of the motion of Senator Burns, Senator Moore occupied the Chair temporarily.

(President in the Chair.)

Senator Van Zandt submitted the following motion in writing:

Mr. President: I move that further consideration of the motion to override the Governor's veto on H. B. No. 67 be postponed until 11 a. m., May 12th, 1937; since action of the Senate to sustain the Governor would, under the Constitution, preclude further consideration of the subject matter at this Session of the Legislature. It is a known fact that some private carriers exempted under the New Way Lumber Co. case are in-

cluded under the terms of said H. B. No. 67 and thereby requiring those Carriers heretofore exempted to pay a \$5.00 license fee. While on the other hand if this motion to pass the bill notwithstanding the Governor's veto is postponed for several days, a bill relieving the condition created by the decision of the Supreme Court of Texas in said case, and not creating confusion as to the laws known as the Motor Carrier Laws, can be introduced and passed; and if not passed, then the vote can still be had on the motion to override the Governor's veto.

VAN ZANDT,  
ONEAL,  
ISELL.

Senator Moore raised a point of order on consideration of the motion as submitted, on the ground that it contains argumentative matter.

The President overruled the point of order.

Senator Burns raised a point of order on consideration of the motion, on the ground that Article 4, Section 14 of the Constitution prescribes a definite and specific procedure for reconsideration of a bill vetoed by the Governor, and that the motion submitted proposes another procedure inconsistent with that prescribed in the Constitution.

The President overruled the point of order.

Question—Shall the motion of Senator Van Zandt prevail?

#### Recess.

Senator Van Zandt moved that the Senate recess to 2:30 o'clock p. m. today.

Senator Woodruff moved that the Senate recess to 2:00 o'clock p. m. today.

The motion of Senator Van Zandt prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

#### Leave of Absence Granted.

Senator Spears was granted leave

of absence for the remainder of today, on account of important business, on motion of Senator Lemens.

#### House Bill No. 67.

The Senate resumed consideration of the motion of Senator Burns that H. B. No. 67 be passed notwithstanding its veto by the Governor and the motion of Senator Van Zandt (submitted in writing) to postpone further consideration of the motion of Senator Burns until 11 o'clock a. m., May 12, 1937.

Senator Burns moved to table the motion of Senator Van Zandt.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—11.

Aikin	Shivers
Brownlee	Sulak
Burns	Weinert
Head	Winfield
Moore	Woodruff
Roberts	

#### Nays—15.

Beck	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Holbrook	Small
Isbell	Stone
Lemens	Van Zandt
Nelson	

#### Absent.

Hill	Spears
Neal	Westerfeld
Newton	

Senator Van Zandt offered the following amendment to the motion to postpone:

Amend pending motion by striking out the figure "12" and substitute in lieu thereof the figure "11."

Senator Collie offered the following substitute for the amendment:

Amend the Van Zandt motion striking out the date May 12th, and insert in lieu thereof the date, Saturday, May 8th.

Senator Weinert moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—25.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Davis	Roberts
Head	Shivers
Hill	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### Nays—5.

Collie	Small
Cotten	Stone
Holbrook	

#### Absent—Excused.

Spears

Question recurring on the amendment to the motion to postpone, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—16.

Beck	Nelson
Brownlee	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Holbrook	Small
Isbell	Stone
Lemens	Van Zandt

#### Nays—14.

Aikin	Roberts
Burns	Shivers
Head	Sulak
Hill	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

#### Absent—Excused.

Spears

Question next recurring on the motion to postpone as amended, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—14.

Beck	Cotten
Collie	Holbrook

Isbell	Rawlings
Lemens	Redditt
Nelson	Small
Oneal	Stone
Pace	Van Zandt

**Nays—16.**

Aikin	Newton
Brownlee	Roberts
Burns	Shivers
Davis	Sulak
Head	Weinert
Hill	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Spears

Question then recurring on the motion of Senator Burns that H. B. No. 67 be passed notwithstanding the objections of the Governor, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—18.**

Aikin	Neal
Beck	Newton
Brownlee	Roberts
Burns	Shivers
Collie	Sulak
Davis	Weinert
Head	Westerfeld
Hill	Winfield
Moore	Woodruff

**Nays—12.**

Cotten	Pace
Holbrook	Rawlings
Isbell	Redditt
Lemens	Small
Nelson	Stone
Oneal	Van Zandt

**Absent—Excused.**

Spears

**House Bill No. 24 on Passage to Third Reading.**

The Senate resumed consideration of pending business, same being H. B. No. 24 (the soil conservation bill) on its passage to third reading; with amendment by Senator Davis and amendment by Senator Redditt to the amendment pending.

(Senator Small in the Chair.)

Senator Davis moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—16.**

Brownlee	Rawlings
Collie	Small
Davis	Stone
Head	Sulak
Isbell	Van Zandt
Neal	Weinert
Nelson	Winfield
Newton	Woodruff

**Nays—11.**

Aikin	Moore
Beck	Pace
Burns	Redditt
Cotten	Roberts
Hill	Shivers
Holbrook	

**Present—Not Voting.**

Oneal

**Absent.**

Lemens

Westerfeld

**Absent—Excused.**

Spears

Senator Moore offered the following amendment to the amendment:

Amend the amendment to H. B. No. 24 by adding thereto a new Section appropriately numbered and reading as follows:

"All State ad valorem taxes diverted in this bill from counties of over 350,000 population, except that allocated in sub-division 3 under subdivision C of Section 12, shall be and are diverted to such respective counties for use in controlling floods in any such counties, and shall be used by any such counties under the terms of H. B. No. 1131, Acts of Regular Session, General Laws of the Forty-fifth Legislature, should such become a law, or under any other Act providing for flood control and applying to such counties should such H. B. No. 1131 not become a law."

The amendment to the amendment was adopted.

Senator Redditt offered the following amendment to the amendment:

Amend Davis substitute to H. B. No. 24 by striking out all of Subsection B in Section 12 and inserting in lieu thereof the following:

B. In order that the State and the several Conservation Districts herein created may in good faith immediately hold themselves out to the United States as being ready and able effectually to cooperate with that government in accomplishing the objects of this Act, there is hereby diverted and granted by the State to the State Soil Conservation Board, for the uses herein expressly provided, the funds derived from the legal assessment, levy and collection of the State ad valorem taxes for general purposes only, excluding the levy for school purposes and Confederate pensions, upon the property and from the persons in each respective county in the State which may be diverted by virtue of any Act passed before the effective date of this Act or granted by the State to any political subdivision of this State accruing from the application of Five (5) Cents of the constitutional ad valorem tax rate. Of the taxes so diverted herein, two-thirds ( $\frac{2}{3}$ ) of the amount shall be retained by the County Conservation District authorized herein and one-third ( $\frac{1}{3}$ ) shall be available for the use of the State Soil Conservation Board in carrying out the duties and functions imposed by this Act. At the end of ten (10) years, any unused portion of said funds shall be set over and paid into the General Revenue Fund. The period of such diversion shall be ten (10) years. The taxes hereby diverted shall be legally assessed, levied, and collected as now provided by law, except that the assessor and collector of the taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as now provided by law and the Comptroller shall pay over all such moneys to the State Treasurer as now provided by law and the State Treasurer shall deposit the funds above specified in the special fund above referred to.

Such tax so diverted shall be appropriated by the State Soil Conservation Board for the purpose of carrying on its administrative functions and to the use of the Soil Conservation Districts organized under the provisions of this Act. The State Soil Conservation Board in making

such appropriations shall consider, among other considerations, the size of the district, the condition of erosion and the amount of work that is necessary to be done within the district in order to carry out the provisions of this Act. The Board shall formulate such rules and regulations as it deems proper to insure the equitable distribution of the diverted funds among the Soil Conservation Districts of the State.

(Senator Rawlings in the Chair.)

Question—Shall the amendment to the amendment be adopted?

Hour for Executive Session Set.

Senator Oneal asked unanimous consent of the Senate that the Senate go into executive session at 5:00 o'clock p. m. today, to consider certain nominations submitted by the Governor.

There was no objection offered, and it was so ordered.

#### Report of Conference Committee on Senate Bill No. 407.

Senator Small submitted the following report of the Conference Committee on S. B. No. 407:

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 407, have had the same under consideration and beg leave to report it back to the Senate and House with the recommendation that it be adopted in the form hereto attached.

SMALL,  
ISELL,  
WINFIELD,  
RAWLINGS,  
NEAL,

On the part of the Senate.

BOYER,  
TARWATER,  
LANNING,  
LITTLE,

On the part of the House.

By Small.

S. B. No. 407.

## A BILL

## To Be Entitled

**An Act fixing the total daily volume of sour gas which may be withdrawn from any common reservoir in this State producing both sweet and sour gas to be used in the manufacture of carbon black; authorizing the Railroad Commission to enforce the law and to allocate the total field allowable production among the various sour gas wells in such common reservoirs on a basis set forth in the law; providing for an additional daily field allowable in the event there is a lawful demand for sour gas for non carbon black purposes, and for the distribution thereof; regulating the commingling of sweet and sour gas in any plant for the purpose of processing the gasoline content of same; regulating the commingling of casinghead gas with either sweet or sour gas or both, in such a plant; providing for the issuance of permits to such plants by the Railroad Commission and making it unlawful for any such plant to operate without such a permit; providing for hearings and the issuance of orders by the Commission; prohibiting production from sour gas wells in excess of the amount fixed by the Railroad Commission; prescribing penalties and suits for their collection and for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations or orders; defining terms; providing for separability, and repealing all laws in conflict with this Act; and declaring an emergency.**

**Be it enacted by the Legislature of the State of Texas:**

**Section 1.** Where used in this Act the following words shall have the meaning given to them by Section 2, Chapter 120, Acts Forty-fourth Legislature, Regular Session, to-wit: "Commission," "person," "common reservoir," "gas well," "oil well," "sour gas," "sweet gas," "natural gasoline," "cubic foot of gas," "casinghead gas."

**Sec. 2.** In any common reservoir in this State producing both sweet and sour gas, there shall never be

produced from such common reservoir for utilization in carbon black manufacture, a maximum daily volume of sour gas from such gas wells in excess of seven hundred fifty million (750,000,000) cubic feet which daily volume of sour gas from gas wells shall be prorated by the Commission among all the sour gas wells in such reservoir so as to prevent cognizable and preventable drainage of gas from tracts of land in such sour gas producing area segregated as to surface position and common ownership on which such gas wells are located; provided that if the daily demand for sour gas from gas wells for utilization in carbon black manufacture is less than the daily maximum allowable hereinabove permitted, the total daily volume of gas from gas wells from such sour gas area for utilization in carbon black manufacture shall be equal to such daily demand which demand shall be determined by the Commission and shall be prorated among all the sour gas wells in such area as hereinabove provided.

If a lawful daily demand exists for sour gas from gas wells for purposes of utilization permitted by existing law, other than the manufacture of carbon black, such additional demand shall be added to such daily demand for carbon black manufacture as hereinabove set forth, which sum shall constitute the daily volume of sour gas from gas wells which may be withdrawn from such common reservoir for utilization. Such daily volume shall be prorated by the Commission among the sour gas wells in such area on the basis hereinabove set forth.

It shall be unlawful for any person to produce sour gas from any sour gas well in such reservoir in excess of the daily allowable production for such gas well as fixed by the orders and schedules of the Commission. The rate of production from any sour gas well shall be deemed to be the daily average rate of production for the calendar month.

**Sec. 2a.** In administering the provisions of this law the Commission shall hold hearings, make determinations, and make and promulgate orders, rules and regulations as provided in Sections 12, 13, and 14 of Chapter 120, Acts, Forty-fourth

Legislature, Regular Session. The Commission shall otherwise have the duty to make and promulgate any rule, regulation or order it may find necessary to carry out the provisions of this law, after notice and hearing for such purpose.

Sec. 3. (a) In any common reservoir in this State producing both sweet and sour gas, it shall be unlawful for any person to operate a plant for the extraction of the natural gasoline content of gas in which plant casinghead gas is commingled with either sweet gas or sour gas, or both, or where sweet gas and sour gas are commingled, until such person secures from the Commission a permit authorizing the operation of such plant. It shall be the duty of the Commission to issue such permit when it shall appear that such plant is being operated, and the residue gas from same is and shall be disposed of, in accordance with the provisions of this Section.

(b) Where any such plant in such common reservoir commingles casinghead gas with sweet gas or sour gas, or both, it shall not be lawful for the operator of such plant to blow, or permit to be blown, into the air any of the residue gas remaining after the gasoline content of such gas is extracted; provided, however, the operator of such plant shall be permitted to blow to the air such amount of residue gas from said plant as is determined by the Commission to be necessary in order to accomplish uninterrupted deliveries in required amounts to carbon black plants for carbon black manufacture.

(c) Where any such plant in such common reservoir commingles casinghead gas with sweet gas or where any such plant commingles sweet gas with sour gas, it shall be the duty of the Commission to ascertain the quantity of residue gas which is required to be used for fuel purposes in the efficient operation of the plant and also the quantity of residue gas which is required to be returned by the operator of such plant to the leases to which the plant is connected for use as fuel in the operation of such leases. The operator of such plant shall be required to utilize or cause to be utilized for one or more of the uses provided for sweet gas by existing law a quantity of the

residue gas from such plant which is equal to the quantity of sweet gas which is taken into said plant for processing, less the extraction loss from such processing, but such operator shall not be credited with use of such residue for plant-fuel or lease fuel operations in an amount in excess of the quantity of such residue gas found by the Commission to be necessary for the efficient operation of such plant and return to such leases for fuel for lease operations.

(d) The commingling in any such plant of casinghead gas with sweet gas or sour gas, or both, or of sweet gas with sour gas, except upon the conditions and requirements set forth in Section 3 of this Act, is hereby declared to be unlawful. Whenever it shall be made to appear to the Commission that any such plant is operating in violation of any of the provisions of this Section, it shall be the duty of the Commission to cancel the permit so issued to such plant, and it shall thereafter be unlawful for the operator of such plant to commingle either casinghead gas with sweet gas or sour gas or to commingle sweet gas and sour gas in any such plant for the purpose of extracting the natural gasoline content thereof.

Sec. 4. From time to time the Commission shall hold hearings, after notice to interested operators, for the purpose of hearing evidence, and to promulgate rules, regulations and orders to enforce the provisions of this law. In addition to the authority given by existing law, the Commission or its agents shall have the right to inspect the books and records of any person who is affected by the provisions hereof and to require sworn reports to be filed, such sworn reports to be filed from time to time as the Commission may find necessary. All rules, regulations and orders promulgated by the Commission under the terms of this law shall be deemed prima facie valid.

Sec. 5. Any person violating any of the provisions of this Act shall be liable to a penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense and each day's violation shall constitute a separate offense. Such penalty may be recovered by



the State of Texas, with costs of suit, in a civil action instituted by the Attorney General in Travis County or in the county where the violation occurred. Any and all violations, and threatened violations, of this Act may be enjoined by any court of competent jurisdiction in which suit for penalty may be brought, and in such cases the court shall issue such writs or injunction, prohibitory or mandatory, as the facts justify.

Sec. 6. Any person affected thereby may sue to test the validity of any rule, regulation or order promulgated by the Commission under this Act in the same manner, upon the same conditions, and to the same Court or Courts, as prescribed for suits testing the validity of rules, regulations and orders of the Commission promulgated under the general oil conservation statutes of this State.

Sec. 7. All laws or parts of laws in conflict with any of the provisions of this Act are hereby repealed; but where same are not in conflict the provisions of this Act shall be cumulative of existing laws.

Sec. 8. If any clause, sentence, provision or Section of this Act should for any reason be held to be invalid or unconstitutional it shall not affect in any wise the remaining parts of this Act and such remaining parts shall remain in full force and effect.

Sec. 9. The fact that the use of sour gas for carbon black manufacture from the common reservoirs of this State producing both sweet gas and sour gas is rapidly increasing and it is desirable to further limit the volume of such gas which can be used for carbon black manufacture, and the fact that in such common reservoirs the commingling of casinghead gas, sweet gas and sour gas in plants extracting the natural gasoline content of such gas makes difficult the detection of violations of the provisions of the laws of this State which prescribe the use to which such gas may be put, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that Bills be read on three several days in each House, and said rule is hereby suspended, and this Act shall

take effect and be in force from and after its passage, and it is so enacted.

(President in the Chair.)

Senator Small moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

H. B. No. 650, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Message From the House.

A Clerk for the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 179, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of certain miscellaneous claims out of the funds of the Game, Fish and Oyster Commission, Texas Railroad Commission, State Park Board, Texas Prison System; providing further that payments shall be made after audit of claim shall have been made by the State Auditor and/or Comptroller and approved by the Attorney General; making appropriation to the Governor to pay expenses of returning fugitives on Governor's requisitions; granting certain persons permission to sue the State; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 179 With House Amendments.

Senator Head called up S. B. No. 179 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Head moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### House Bill No. 547 on Second Reading.

On motion of Senator Head and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 547, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricul-

tural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Head and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was laid before the Senate and it was read second time.

Senator Head offered the following (committee) amendment to the bill:

Amend H. B. No. 547, by adding a new Section, to be known as Section 2a, to read as follows:

"The appropriation herein made is conditioned that the Federal Government will supply additional funds for the erection and equipment of said laboratory, and will adequately maintain the same. Before the Comptroller of this State shall issue any warrants against said appropriation, the Board of Control of this State must certify that the Federal Government, in the opinion of the Board of Control, will adequately and absolutely supply additional funds necessary, and will provide maintenance for said laboratory."

The (committee) amendment was adopted.

Senator Head offered the following amendment to the bill:

Amend the caption to conform with the body of the bill as amended.

The amendment was adopted.

H. B. No. 547 was passed to third reading.

#### House Bill No. 547 on Third Reading.

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 547 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Nays—1.

Aikin

## Absent—Excused.

Spears

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26.

Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff

## Nays—4.

Aikin	Collie
Beck	Isbell

## Absent—Excused.

Spears

## Executive Session.

At 5:00 o'clock p. m., the President announced that the hour heretofore set for an executive session had arrived and he requested all those not entitled to attend the executive session to retire from the Senate chamber and instructed the Sergeant-at-Arms and the Doorkeeper to keep

closed all doors leading from the chamber until the conclusion of the executive session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following report of the Committee on Nominations of the Governor had been adopted by the Senate in executive session:

## Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be a Member of the State Board of Education:

Irvin McCreary, of Temple, Bell County, to succeed Mrs. J. E. Watkins of Henderson, for the six-year term beginning January 1, 1937.

To be District Attorney of the 13th Judicial District:

Cleo Miller, of Corsicana, Navarro County, to succeed J. R. Curington, deceased.

To be Members of the State Board of Health:

Dr. E. W. Wright, of Bowie, Montague County, (reappointment).

Dr. S. J. Alexander, of Robertson County, to succeed C. M. Rosser, of Dallas.

To be Commissioner of the Court of Civil Appeals of the 10th District at Waco: (Pursuant to the terms of H. B. No. 82, Chapter 509), (Acts of the Third Called Session, Forty-fourth Legislature, providing for the appointment of a Special Commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to by the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals).

Ballard George, of Corsicana, Navarro County.

To be Members of the State Livestock Sanitary Commission:

L. J. Wardlaw, of Ft. Worth, Tarrant County (six-year term).

R. B. Martin, of Del Rio, Val Verde County (four-year term).

Roy Jackson, of Laredo, Webb County (two-year term).

To be Members of the State Planning Board:

Arthur Henry Leidigh, of Lubbock, Lubbock County, to succeed R. C. Hopping, for the two-year term beginning in 1937.

E. L. Kurth, of Lufkin, Angelina County, to represent reforestation (reappointment).

Tray J. Lewis, of Fort Worth, Tarrant County, (reappointment).

ONEAL, Chairman.

The President called the Senate to order as in legislative session at 5:35 o'clock p. m.

#### Report of Conference Committee on House Bill No. 750.

Senator Shivers submitted the following report of the Conference Committee on H. B. No. 750:

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House and Representatives, and Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee, to whom was referred H. B. No. 750, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

Respectfully submitted,

SHIVERS,  
REDDITT,  
NEAL,  
HOLBROOK,

On the part of the Senate.

QUINN,  
ROARK,  
JONES of Atascosa,  
HOSKINS,  
RIDDLE,

On the part of the House.

By Quinn, et al. H. B. No. 750.

A BILL  
to be entitled

An Act amending Section 1 of Chapter 144, Acts of the Forty-fourth

Legislature, Regular Session; providing an open season for the killing of wild mourning doves and white wing doves in the north zone and south zone as outlined and defined in Article 878 of the Penal Code of the State of Texas, 1925, as amended by Chapter 222, Acts of the Fortieth Legislature, Regular Session; creating a new zone to be known as the "Gulf Coast Zone" to be cut off of the south zone and providing an open season for the killing of wild mourning doves and white wing doves in said zone; declaring the terms of this Act to be severable and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Section 1 of Chapter 144, Acts of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so that it shall hereafter read as follows:

"Sec. 1. There shall be an open season or period of time when it shall be lawful to hunt or kill wild mourning doves and white wing doves in the north zone during the months of September and October of any one year, and in the south zone from December 1st, in one year to the 16th day of January of the following year, both days inclusive. Such zones for the purpose of this Act shall be as defined in Article 878, Penal Code of Texas, 1925, as amended by Chapter 222, page 356, Acts of the Fortieth Legislature, Regular Session; provided, however, that there is hereby created what is to be known as the Gulf Coast Zone, which is to be cut off of the south zone as defined in the Acts and Articles above referred to, and the said Gulf Coast Zone shall include the following counties: Orange, Jefferson, Chambers, Galveston, Harris, Brazoria, Ft. Bend, Wharton, Matagorda, Jackson, Calhoun, Victoria, Goliad, Refugio, Aransas, San Patricio, Bee, Live Oak, Atascosa, Frio, McMullen, LaSalle, Jim Wells, Nueces, Kleberg, Duval, Brooks, DeWitt, Kennedy, Willacy, Cameron, Hidalgo, Starr, Jim Hogg, Zapata and Webb. There shall be an open season or period of time when it shall be lawful to hunt or kill wild mourning doves during the months

of October and November of any one year in the Gulf Coast Zone, and there shall be an open season or a period of time when it shall be lawful to hunt or kill white wing doves during the months of September and October of any one year in the Gulf Coast Zone."

Sec. 2. If any part of this law shall be held by the courts to be unconstitutional, it shall not affect the remainder of this Act.

Sec. 3. The fact that the present laws regulating the taking of wild doves do not afford the necessary protection to these birds, as defined in the present law, nor afford an equitable opportunity for killing the same, creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Adjournment.

Senator Brownlee moved that the Senate recess until 10:00 o'clock a. m., tomorrow.

Senator Sulak moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Senator Sulak prevailed, and the Senate, accordingly, at 5:40 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, May 6, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Wednesday, May 5, 1937:

S. B. No. 141.

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 121, nays 0.

Date signed by the Governor, May 5, 1937.

S. B. No. 229:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 128, nays 0.

Date signed by the Governor, May 5, 1937.

S. B. No. 230:

Vote in Senate, yeas 30, nays 1.

Vote in House, yeas 120, nays 2.

Date signed by the Governor, May 5, 1937.

S. C. R. No. 55:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, unsigned.

S. C. R. No. 59:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, unsigned.

S. J. R. No. 16:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 118, nays 4.

Date signed by the Governor, unsigned.

H. B. No. 126:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 124, nays 0.

Date signed by the Governor, May 5, 1937.

H. B. No. 137:

Vote in Senate, viva voce.

Vote in House, yeas 91, nays 16.

Date signed by the Governor, May 5, 1937.

H. B. No. 146:

Vote in Senate, yeas 28, nays 0.

Vote in House, yeas 123, nays 0.

Date signed by the Governor, unsigned.

H. B. No. 233:

Vote in Senate, yeas 28, nays 0.

Vote in House, yeas 119, nays 0.

Date signed by the Governor, unsigned.

H. B. No. 410:

Vote in Senate, yeas 30, nays 1.

Vote in House, yeas 126, nays 0.

Date signed by the Governor, May 5, 1937.

H. B. No. 675:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 108, nays 0.

Date signed by the Governor, May 5, 1937.

H. B. No. 765:  
Vote in Senate, yeas 25, nays 0.  
Vote in House, yeas 126, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 823:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 120, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 861:  
Vote in Senate, yeas 22, nays 6.  
Vote in House, yeas 113, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 893:  
Vote in Senate, yeas 26, nays 2.  
Vote in House, yeas 99, nays 4.  
Date signed by the Governor,  
May 3, 1937.

H. B. No. 999:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, viva voce.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1065:  
Vote in Senate, yeas 27, nays 1.  
Vote in House, viva voce.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1071:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 119, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1074:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 123, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1086:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1091:  
Vote in Senate, yeas 28, nays 0.  
Vote in House, yeas 115, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1108:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 113, nays 0.  
Date signed by the Governor,  
unsigned.

H. B. No. 1115:  
Vote in Senate, yeas 28, nays 0.  
Vote in House, yeas 124, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. B. No. 1137:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 124, nays 0.  
Date signed by the Governor,  
May 5, 1937.

H. C. R. No. 81:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor,  
unsigned.

H. C. R. No. 114:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor,  
May 5, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

Omitted through error:

H. B. No. 1065:  
Vote in Senate, yeas 27, nays 1.  
Vote in House, viva voce.  
Date signed by the Governor,  
May 5, 1937.

#### Reports of Standing Committees.

Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 561, A bill to be entitled "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth, and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said courts to exchange benches, authorizing either of said judges to sit in either of said courts; authorizing the transfer of a case from either of said courts to another one thereof; to provide for the filing of pleadings in said courts in duplicate and for the safekeeping and withdrawal of

the original copy of the pleading so filed upon proper showing; to provide for and limit the filing of motions and amended motions for new trial in said courts; and providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1049, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees; (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and not more than forty-eight thousand, six hundred and sixty-five (48,665); (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125); (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475), according to the last preceding Federal Census; (d) in counties having a population of not less than fourteen thousand, five hundred and eighty (14,580) and not over fourteen thousand, five hundred and ninety (14,590), according to the last preceding United States Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 1100, A bill to be entitled "An Act creating a Special Road Law for Scurry County, Texas; providing that said county fund or refund indebtedness outstanding against its Road and Bridge Fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by the issuance of funding or refunding bonds or warrants, either or both; . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 119, Authorizing the State Highway Department to loan certain road equipment to Red River County for the purpose and use of draining and repairing of roads.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, May 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 504 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.